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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91198660
Party	Defendant Broadchip Technology Group Ltd
Correspondence Address	James F Landrum Jr Landrum & Company, Inc. 560 S. Winchester Blvd., #500 San Jose, CA 95128 jay@landrumandcompany.com
Submission	Answer
Filer's Name	James F Landrum Jr
Filer's e-mail	jay@landrumandcompany.com
Signature	/James F Landrum Jr/
Date	03/30/2011
Attachments	Broadchip Answer to Broadcom Opposition 033011.pdf (7 pages)(69329 bytes)

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

*This document filed electronically
using USPTO ESTTA website*

Broadcom Corporation,)
Opposer,)
)
vs.)
Broadchip Technology Group, Ltd.)
Applicant.)
)
_____)

OPPOSITION NUMBER: 91198660

Ser. #: 77/855,572

Mark: **BROADCHIP**

APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

In response to the notice of Opposition issued by the Board on February 18, 2011, the applicant Broadchip Technology Group, Ltd. ("applicant" or "BROADCHIP") answers the opposition identified above as follows:

1. In response to the allegations of paragraph 1 of the Notice, the applicant is without knowledge or information sufficient to form a belief as to the truth of the matter of each and all of these allegations, and denies all allegations set forth in the paragraph.

2. In response to the allegations of paragraph 2 of the Notice, the applicant admits that such mark is registered with the United States Patent and Trademark Office (“PTO”) as asserted, but is otherwise without knowledge or information sufficient to form a belief as to the truth of the matter of all other allegations and based thereon, denies each and all other allegations set forth in the paragraph that are not specifically referenced herein.
3. In response to the allegations of paragraph 3 of the Notice, the applicant admits that such mark is registered with the PTO as asserted, but is otherwise without knowledge or information sufficient to form a belief as to the truth of the matter of all other allegations and based thereon, denies each and all other allegations set forth in the paragraph that are not specifically referenced herein.
4. In response to the allegations of paragraph 4 of the Notice, the applicant admits that such mark is registered with the PTO as asserted, but is otherwise without knowledge or information sufficient to form a belief as to the truth of the matter of all other allegations and based thereon, denies each and all other allegations set forth in the paragraph that are not specifically referenced herein.
5. In response to the allegations of paragraph 5 of the Notice, the applicant admits that such mark is registered with the PTO as asserted, but is otherwise without knowledge or information sufficient to form a belief as to the truth of the matter of all other allegations and based thereon, denies each and all other allegations set forth in the paragraph that are not specifically referenced herein.
6. In response to the allegations of paragraph 6 of the Notice, the applicant admits that such mark is registered with the PTO as asserted, but is otherwise without knowledge or information sufficient to form a belief as to the truth of the matter of all other allegations

and based thereon, denies each and all other allegations set forth in the paragraph that are not specifically referenced herein.

7. In response to the allegations of paragraph 7 of the Notice, the applicant admits that such mark is registered with the PTO as asserted, but is otherwise without knowledge or information sufficient to form a belief as to the truth of the matter of all other allegations and based thereon, denies each and all other allegations set forth in the paragraph that are not specifically referenced herein.
8. In response to the allegations of paragraph 8 of the Notice, the applicant admits that such mark is registered with the PTO as asserted, but is otherwise without knowledge or information sufficient to form a belief as to the truth of the matter of all other allegations and based thereon, denies each and all other allegations set forth in the paragraph that are not specifically referenced herein.
9. In response to the allegations of paragraph 9 of the Notice, the applicant admits that such mark is registered with the PTO as asserted, but is otherwise without knowledge or information sufficient to form a belief as to the truth of the matter of all other allegations and based thereon, denies each and all other allegations set forth in the paragraph that are not specifically referenced herein.
10. In response to the allegations of paragraph 10 of the Notice, the applicant admits that such copies appear to be true and correct copies, but is otherwise without knowledge or information sufficient to form a belief as to the truth of the matter of all other allegations and based thereon, denies each and all other allegations set forth in the paragraph that are not specifically referenced herein.

11. In response to the allegations of paragraph 11 of the Notice, the applicant is without knowledge or information sufficient to form a belief as to the truth of the matter of all allegations stated, and as such, denies each and all allegations set forth in the paragraph.
12. In response to the allegations of paragraph 12 of the Notice, the applicant is without knowledge or information sufficient to form a belief as to the truth of the matter of all allegations stated, and as such, denies each and all allegations set forth in the paragraph.
13. In response to the allegations of paragraph 13 of the Notice, the applicant is without knowledge or information sufficient to form a belief as to the truth of the matter of all allegations stated, and as such, denies each and all allegations set forth in the paragraph.
14. In response to the allegations of paragraph 14 of the Notice, the applicant is without knowledge or information sufficient to form a belief as to the truth of the matter of all allegations stated, and as such, denies each and all allegations set forth in the paragraph.
15. In response to the allegations of paragraph 15 of the Notice, the applicant denies all allegations set forth in the paragraph.
16. In response to the allegations of paragraph 16 of the Notice, the applicant denies all allegations set forth in the paragraph.
17. In response to the allegations of paragraph 17 of the Notice, the applicant denies all allegations set forth in the paragraph.
18. In response to the allegations of paragraph 18 of the Notice, the applicant is without knowledge or information sufficient to form a belief as to the truth of the matter of all allegations stated, and as such, denies each and all allegations set forth in the paragraph.
19. In response to the allegations of paragraph 19 of the Notice, the applicant denies all allegations set forth in the paragraph.

AFFIRMATIVE DEFENSES

20. The opposer has failed to allege grounds sufficient to establish a likelihood of confusion claim, and in particular, fails to state legally sufficient grounds for sustaining the opposition.
21. The opposer has failed to allege grounds sufficient to establish a likelihood of dilution claim, and in particular, fails to state legally sufficient grounds for sustaining the opposition.
22. Applicant is informed and believes, and thereon alleges, that the opposer has failed to assert its rights against similar marks and has acquiesced to the use of the work “BROAD” in the registration of other trademarks for similar goods/services, including but not limited to “BROADLIGHT, ”BROADLOGIC” and “BROADTRAN.” Applicant selected its mark based on the existence of multiple trademarks in the marketplace incorporating the word “BROAD.” As a result, the opposer is now estopped from objecting to the applicant’s application on the basis that applicant’s use of the word “BROAD” is confusingly similar or dilutive.
23. Opposer does not have the exclusive right to use the word “BROAD,” as this word in found in numerous live Registered Trademarks for similar goods.
24. Applicant’s mark is sufficiently and distinctively different from opposer’s marks to avoid confusion, deception or mistake as to the source or sponsorship or association of applicant’s goods.
25. Applicant reserves the right to such other and further defenses as may be discovered in the course of this opposition.

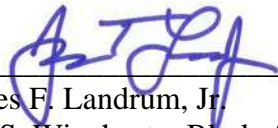
RELIEF REQUESTED

26. Applicant respectfully requests that this opposition proceeding be dismissed with prejudice and that the BROADCHIP mark be permitted to register.

Respectfully ,

LANDRUM & COMPANY, INC.

Dated: March 30, 2011



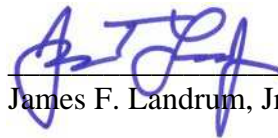
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Attorney for Applicant, BROADCHIP
TECHNOLOGY GROUP, LTD.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing **APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION** was served upon the attorney for the Opposer, this 30th day of March, 2011, by depositing one copy with the United States Post Office, postage prepaid, addressed to:

Susan N. Natland
Knobbe, Martens, Olsen and Bear, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614

Dated: March 30, 2011


James F. Landrum, Jr.